

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 10 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff-Appellee,

v.

DAVID GILBERT SAFFRON, AKA David
Gilbert,

Defendant-Appellant,

and

CIRCLE SOCIETY, CORP.,

Defendant.

No. 21-15952

D.C. No.
2:19-cv-01697-JAD-DJA
District of Nevada,
Las Vegas

ORDER

The court's records reflect that appellant filed a motion listed in Federal Rule of Appellate Procedure 4(a)(4), and that motion is still pending in the district court. The June 1, 2021 notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court are held in abeyance pending the district court's resolution of the pending April 26, 2021 motion to amend. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994); *Tripathi v. Henman*, 845 F.2d 205, 206 (9th Cir. 1988).

Within 14 days after the district court's ruling on the pending motion, appellant shall file a written notice in this court: (1) informing this court of the district court's ruling; and (2) stating whether appellant intends to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Corina Orozco
Deputy Clerk
Ninth Circuit Rule 27-7